

AMENDED IN SENATE MARCH 16, 2006

**SENATE BILL**

**No. 1258**

**Introduced by ~~Senator Battin~~ Senators *Battin and Ashburn***

February 9, 2006

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~~An act to amend Section 9002 of the Elections Code, relating to initiatives. An act to amend Section 8022 of, and to add Section 8021.5 to, the Elections Code, relating to nominations.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1258, as amended, Battin. ~~Initiatives: title and summary.~~  
*Congressional candidates: extension of time.*

*(1) Existing law requires that if the nomination documents for an incumbent state Senator, Member of the Assembly, state constitutional officer, or the Insurance Commissioner are not delivered by 5 p.m. on the 88th day before the direct primary election, any person other than the person who was the incumbent on the 88th day has until 5 p.m. on the 83rd day before the election to file nomination documents for that elective office.*

*This bill would add congressional candidates to these provisions. The bill would also authorize any person who has qualified as a candidate for any of these offices to file a declaration of withdrawal of his or her candidacy with the Secretary of State prior to 5:00 p.m. on the 88th day deadline. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.*

*(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,*

*reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Under existing law, a petition for an initiative or referendum measure may not be circulated for signature until a draft of the measure is submitted to the Attorney General for preparation of a title and summary.~~

~~This bill would make technical, nonsubstantive changes to these provisions:~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 8021.5 is added to the Elections Code,*  
2     *to read:*

3     *8021.5. Notwithstanding any other provision of the law, any*  
4     *candidate who has qualified as a candidate for any of the state or*  
5     *federal offices specified in Section 8022 for the direct primary*  
6     *election may file a declaration of withdrawal of his or her*  
7     *candidacy with the Secretary of State prior to 5 p.m. on the 88th*  
8     *day deadline.*

9     *SEC. 2. Section 8022 of the Elections Code is amended to*  
10    *read:*

11    *8022. Notwithstanding Section 8020 or any other provision of*  
12    *the law, if nomination documents for an incumbent state Senator,*  
13    *Member of the Assembly, state constitutional officer, or*  
14    *Insurance Commissioner, Member of the United States House of*  
15    *Representatives, or United States Senator are not delivered by 5*  
16    *p.m. on the 88th day before the direct primary election, any*  
17    *person other than the person who was the incumbent on the 88th*  
18    *day shall have until 5 p.m. on the 83rd day before the election to*  
19    *file nomination documents for the elective office.*

20    *However, if the incumbent's failure to file nomination*  
21    *documents is because he or she has already served the maximum*  
22    *number of terms permitted by the California Constitution for that*  
23    *office, there shall be no extension of the period for filing the*  
24    *nomination documents.*

25    *SEC. 3. If the Commission on State Mandates determines that*  
26    *this act contains costs mandated by the state, reimbursement to*  
27    *local agencies and school districts for those costs shall be made*

1 *pursuant to Part 7 (commencing with Section 17500) of Division*  
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. Section 9002 of the Elections Code is amended~~  
4 ~~to read:~~

5 ~~9002. (a) Prior to the circulation of any initiative or~~  
6 ~~referendum petition for signatures, a draft of the proposed~~  
7 ~~measure shall be submitted to the Attorney General with a~~  
8 ~~written request that a title and summary of the chief purpose and~~  
9 ~~points of the proposed measure be prepared. The title and~~  
10 ~~summary shall not exceed a total of 100 words.~~

11 ~~(b) The persons presenting the request shall be known as the~~  
12 ~~“proponents.”~~

13 ~~(c) The Attorney General shall preserve the written request~~  
14 ~~until after the next general election.~~